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To: [Larson, Darrin](#); [Wagner, Kenneth](#); [Kelly, Albert](#); [Coleman, Sam](#)
Cc: [Jackson, Ryan](#); [Gray, David](#); [Grantham, Nancy](#); [Graham, Amy](#); [Wilcox, Jahan](#); [Ferguson, Lincoln](#); [Lyons, Troy](#)
Subject: Tomorrow: Media Attendees, Talking Points & Background
Date: Sunday, September 3, 2017 10:09:57 PM

Darrin, Sam, Ken and Kell – Thank you for serving as the on-the-ground people tomorrow, managing the press operations on the ground for the reporter visits to superfund sites. I understand that TCEQ will also be there, so that is great and we welcome their participation and continued support.

As a friendly reminder, please be sure you tell reporters when you are on background, and when you are on the record. Also, please only let each outlet ask no more than three or four questions each on air. Don't be shy about cutting them off or telling them that they need to respect the boundaries of the site. We welcome them and want them to have access to all the good work you guys are doing, but we also want to be careful not to give them free reign.

Below, please find a list of outlets attending, some basic background information about the status of the sites as of September 2nd and some background on RMP. Sam knows all the details about the Arkema site, so I am not worried about him handling that or any other questions about water quality, flooding, etc., but just want to make sure the RMP stuff that our lawyers pulled together is available in case you guys get asked. If you have any questions or need anything, please don't hesitate to call me at (b) (6) [REDACTED]. If you could also send us some pictures, that would be great, we would love to tweet them throughout the day. Thank you for your help – Liz

Media:

- CNBC, producer: Mike Newburg, 201-694-9606, Michael.Newburg@nbcuni.com
- CNN, producer: Tristan Smith, 404-275-0058, Tristan.Smith@Turner.com
- Bloomberg, reporter: Jack Kaskey, 609-703-7585, jkaskey@bloomberg.net,
- CBS, correspondent: Omar Villafranca, 682-218-8847 (producer dell@cbsnews.com)
- TENTATIVE: Houston Chronicle, ?? – Is there someone we should invite? David, please let me know if you have someone in mind.

Must-Air Messages:

- EPA and TCEQ are working closely together and coordinating throughout the process – from hurricane preparation to response efforts – and everything in between. This is a coordinated effort of highly-trained professional experts.
- Our first priority continues to be safety of first responders, and the community. We are accessing sites as soon as it is safe to do so, and reporters and the public should follow the safety advice of local officials and avoid Superfund sites.
- Agencies are working closely with the parties responsible for the ongoing cleanup of



these sites, and making sure all protocols are followed.

- This was a historic hurricane with devastating, long-term effects and it will be a sustained, long response period. We will remain focused on our work.

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Background on Superfund Status:

- EPA and TCEQ are working together, along with other local, state, and federal authorities and emergency responders around the clock to address the human health and environmental impacts of Hurricane Harvey and its effects, especially historic and devastating flooding throughout Southeast Texas.
- With regard to the status of Superfund sites, EPA has conducted initial assessments at 41 Superfund sites in the impacted areas using aerial images, as well as direct contact with the parties responsible for on-going cleanup activities. EPA has determined that 28 Superfund sites in the area do not currently show damage or excessive flooding associated with Harvey.
- EPA determined that 13 sites have been flooded and/or are experiencing possible damage due to the storm. Of these sites, two (Falcon Refinery and the Brine Service) have been inspected and it has been determined that they do not require emergency cleanup; although, additional sampling in the area will continue to be conducted.
- Eleven sites, including: Bailey Waste Disposal, French LTD, Geneva Industries/Fuhrmann Energy, Gulfco Marine, Highland Acid Pit, Malone Services, U.S. Oil Recovery, Patrick Bayou, Petro-Chemical Systems, Triangle Chemical, and San Jacinto Waste Pits have not been accessible by response personnel. Teams are in place to investigate possible damage to these sites as soon flood waters recede, and personnel are able to safely access the sites.
- The San Jacinto Waste Pits site has a temporary armored cap designed to prevent migration of hazardous material; the cap will be inspected as soon as it is safe for teams access the site. Based on forecasted river conditions, this inspection is planned for Monday, by boat. EPA has dive teams to survey the cap underwater when conditions allow.
- EPA, TCEQ and other authorities will continue to provide additional updates as we gather them. We encourage the community to continue to follow the expert safety advice of local officials.

Background on RMP (for Chemical Facilities, not Superfund related, but just in case):

EPA sought seeking additional time to review the RM{ amendments and fully evaluate all the comments raised by multiple petitioners, including agencies and department responsible for

preventing crime and protecting homeland security who had serious concerns with EPA's rule.

For example, here is one of the comments received in the interagency review that is believed to be from DHS (commenters were not identified in the interagency review): This reviewer believes that online access to a facility's chemical inventory and chemical quantity would make facility targeting by terrorists much easier. DHS has maintained throughout the EO that first responders and LEPC members with a need to know should have access to information – but that when it comes to the public, a balance of security is needed.

Additional background information is below:

EPA's RMP Rule continues to be in effect and is an important safety rule that requires facilities that use extremely hazardous substances to develop plans that identify potential effects of a chemical accident, identify steps a facility is doing to prevent an accident, and spell out emergency response procedures, should an accident occur. The 2017 RMP Amendments revised several accident prevention requirements as well as what must be communicated to local authorities and the public, however, none of the major amendments would have been effective until March 2018 and most well after that. The Agency's recent action to delay the effectiveness of the 2017 Amendments had no effect on the major safety requirements that applied to the Arkema Crosby plant at the time of the fire.

Most of the accident prevention and public communication provisions of the 2017 RMP amendments would not have required compliance before March 2021. One provision impacted by the delay of effectiveness would have required annual coordination between the facility and local emergency responders annually starting in March 2018. However, there is an in-effect provision under the current RMP Rule that requires such coordination, and the Arkema Crosby plant had coordinated with its local fire department, according to its filed risk management plan. Therefore, the delay of effectiveness did not impact any steps Arkema would have had to comply with prior to its accident.

The Arkema plant in Crosby has filed a risk management plan under the RMP program and a redacted copy of the facility's report is attached. Federal law mandates that public access to certain elements of a facility's risk management plan be provided in a way that is designed to minimize the risk of harm to public health, welfare and national security.

Additional Q&A on Crosby Facility:

Does EPA have a list of chemicals of concern at the Arkema Crosby site?

The facility is required to submit a Risk Management Plan because it handles the following chemicals above the regulatory threshold quantity: 2-methylpropene and sulfur dioxide.

Are there other petrochemical facilities in the flooded areas that EPA is monitoring or concerned about? Any others in danger of exploding or catching on fire?

EPA is working with TCEQ to contact industrial sources within the impacted area to determine their operational status and what support can be provided with the monitoring of the start-up of industrial sources along the coast of Texas.

Any enforcement actions taken against Arkema involving its U.S. operations? Details?

No recent EPA RMP enforcement actions have been taken against the Crosby facility.

Please provide a copy of the most recent Risk Management Plan for the Crosby plant.

There is reference to a 2014 plan online. Is that the most recent? Do they have to file these things every year?

Facilities are required to submit Risk Management Plans every five years. The 2014 Plan for the Arkema facility is the current plan.

Why is Arkema allowed to refuse to release the company's federally mandated risk management plan?

RMP-regulated facilities may voluntarily release their risk management plan. Some facilities choose not to release the full plan because portions of the plan contain sensitive security information.